

JW 2663

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-003
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

 TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number 09/849,606
Total Number of Pages in This Transmission 5		Filing Date February 28, 2001
		First Named Inventor Blackwell, et al.
		Art Unit 2663
		Examiner Name Lee, Chi Ho A
		Attorney Docket Number 710101.1151

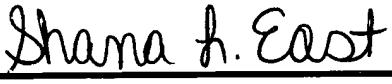
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (Please Identify Below): Submission of Terminal Disclaimer Return Receipt Postcard
Remarks: The Commissioner is authorized to charge any fees that may be required by these papers, and to credit any overpayment to Deposit Account No. 20-0778 in the name of Thomas, Kayden, Horstemeyer & Risley LLP.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Ann I. Dennen, Reg. No. 44,651 Thomas, Kayden, Horstemeyer & Risley, L.L.P. 100 Galleria Parkway, Suite 1750 Atlanta, Georgia 30339-5948 Tel. (770) 933-9500 Fax (770) 951-0933 Customer No. 24504
Signature	
Date	March 1, 2005

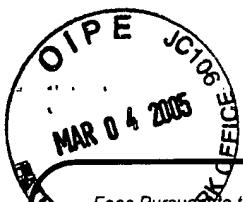
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: 3/1/2005

Typed or printed	Shana L. East		
Signature		Date	3-1-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 1.22 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Effective on 12/08/2004
Fees Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).
FEE TRANSMITTAL
For FY 2005

Complete if Known

Application Number	09/849,606
Filing Date	February 28, 2001
First Named Inventor	Blackwell, et al.
Examiner Name	Lee, Chi Ho A.
Art Unit	2663
Attorney Docket No.	710101.1151

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **130.00**

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify):

Deposit Account Deposit Account Number: **20-0778** Deposit Account Name: **Thomas, Kayden, Horstemeyer Risley, L.L.P.**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

under 37 CFR 1.16 and 1.17
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	Filing Fees		Search Fees		Examination Fees		
	Fee (\$)	Small Entity Fee(\$)	Fee (\$)	Small Entity Fee(\$)	Fee (\$)	Small Entity Fee(\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESSIVE CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee(\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
-20 or HP =		
HP = highest number of total claims paid for, if great than 20		
Indep. Claims	Extra Claims	Fee (\$)
-3 or HP =		
HP = highest number of total claims paid for, if great than 3		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 USC 41(a)(1)(G) and 37 CFR 1.16(s)

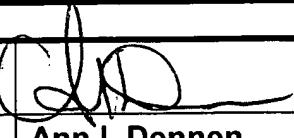
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-100 =	/50=	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, **\$130** fee (no small entity discount)
Other: **Terminal Disclaimer**

Fee Paid (\$)

130.00

SUBMITTED BY		Complete (if applicable)	
Signature		Registration No.	44,651
Name: (Print/Type)	Ann I. Dennen		Date: March 1, 2005



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:)
Blackwell, et al.)
Serial No.: 09/849,606) Art Unit: 2663
Filed: February 28, 2001) Examiner: Lee, Chi Ho A
For: IMPROVED METHOD AND APPARATUS) Docket No.: 710101.1151
FOR ECHO CANCELLATION)

SUBMISSION OF TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant submitted a First Response for the above-referenced application on February 28, 2005. While Applicant responded to a double patenting rejection contained within the Office Action, the terminal disclaimer was inadvertently not provided. Applicant respectfully submits such inadvertently omitted Terminal Disclaimer, which is attached hereto, and requests that such Terminal Disclaimer be entered.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper.

Certificate of Mailing

03/07/2005 EAREGAY1 00000035 09849606
01 FC:1814 130.00 DR

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, with sufficient postage, addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on

3-1-05

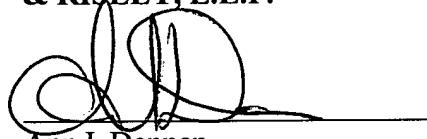
Signature: Dhama R. East

However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Thomas, Kayden, Horstemeyer, & Risley, L.L.P. Deposit Account No. 20-0778.

Respectfully submitted,

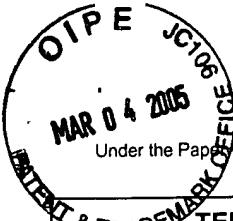
**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:



Ann I. Dennen
Reg. No. 44,651

100 Galleria Parkway, N.W.
Suite 1750
Atlanta, Georgia 30339
(256) 704-3900 Ext. 101



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number
710101.1151

In re Application of: **Blackwell et al.**

Application No. **08/941,911**

Filed: **October 1, 1997**

For: **METHOD AND APPARATUS FOR ECHO CANCELLATION**

The owner*, Adtran, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of prior patent No. 6,259,680 as the term of said patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that it later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims cancelled by a reexamination certificate;
- is reissued;
- is any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 44,651

Signature

March 1, 2005

Date

~~03/07/2005 EAREGAY1 00000035 200770 CHA4504~~

01-FE-1814 130.00 DA

Ann I. Dennen

Typed or printed name

(256) 704-3900

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP §324.